

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Jim Arnold, an individual doing business
as Purgreen Environmental
2776 S. Lilac Ave
Bloomington, CA 92316
ID No. CAL000208424

and

Terry Bissman, an individual
102 Fletcher Ln
Zillah, WA 98953-9540

Respondents.

Docket HWCA 2004-0623

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Jim Arnold, an individual doing business as Purgreen Environmental (Purgreen), and Terry Bissman, an individual formerly doing business as Purgreen Environmental, who was also a driver for Purgreen Environmental during the period of violation (Respondents).

1.2. Inspection. The Department inspected Respondents' operations on July 26, 2004.

1.3. Authorization Status. Between July 24, 2002 and August 31, 2003, Purgreen was a registered transporter of hazardous waste.

1.4. Jurisdiction. Health and Safety Code section 25187, subdivision (a),

authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

2. DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. Respondents violated Health and Safety Code section 25163(a)(1), and California Code of Regulations, title 22, section 66263.11(b) in that, between September 1, 2003 and January 8, 2004, Respondents transported hazardous waste without a hauler registration or other authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Respondents cease all transportation of hazardous waste unless and until respondents obtain a hazardous waste hauler registration or other authorization from the Department.

3.1.2. Respondents shall comply with all terms, requirements, and conditions set forth in Section 5 (Penalty) below.

3.2. Compliance with Applicable Laws. Respondents shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.3. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of

past, current, or future operations of Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take such further actions as are necessary to protect public health or welfare or the environment.

3.4. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents, or related parties specified in paragraph 4.3, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to the Order.

4. OTHER PROVISIONS

4.1. Additional Enforcement Actions. By issuance of this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction involving either Respondent(s) or the Site.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondents to costs, penalties, and/or damages as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondents, and their officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Privileges. Nothing in this Consent Agreement shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its

obligations under this Consent Order.

4.5. Time Periods. "Days" for the purpose of this Order means calendar days.

5. PENALTY

5.1. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$ 23,100.

5.2. Payment is due within 30 days from the effective date of the Order.

5.3. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondents shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Yvonne Sanchez, Branch Chief
Statewide Compliance Division
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

and

James J. Grace
Staff Counsel
Office of Legal Counsel and Investigations
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

6. RIGHT TO A HEARING

6.1. Respondents may request a hearing to challenge the Order. Appeal

procedures are described in the attached Statement to Respondent.

7. EFFECTIVE DATE

7.1. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent submits a written request for a hearing (Notice of Defense) within the twenty-day period.

Date of Issuance: January 25, 2006

Original signed by Yvonne Sanchez
Yvonne Sanchez, Chief
Statewide Compliance Division
Cypress Branch
Department of Toxic Substances Control